IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE A.K.BASHEER

MONDAY, THE 30TH JULY 2007 / 8TH SRAVANA 1929

WP(C).No. 17876 of 2007(C)

PETITIONER:

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1. AJANTA K., UPSA, LUTHERAN HIGH SCHOOL, SOUTH ARYAD, AVALUKUNNU P.O., ALAPPUZHA DISTRICT.

2. PRIYA.V. UPSA, LUTHERAN HIGH SCHOOL, SOUTH ARYAD, AVALUKUNNU PO, ALAPPUZHA DISTRICT.

3. REENA O.G., UPSA, LUTHERAN HIGH SCHOOL, SOUTH ARYAD, AVALUKUNNU P.O., ALAPPUZHA DISTRICT.

4. RESSAL MOSES.R., LPSA, LUTHERAN HIGH SCHOOL, SOUTH ARYAD, AVALUKUNNU P.O., ALAPPUZHA DISTRICT.

BY ADV. SRI.N.NANDAKUMARA MENON
SRI.P.K.MANOJKUMAR
SMT.SUSHYA RAJAN

RESPONDENTS:

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1. THE STATE OF KERALA, REPRESENTED BY THE SECRETARY TO GOVERNMENT, GENERAL EDUCATION DEPARTMENT, SECRETARIAT, THIRUVANANTHAPURAM.

2. THE DISTRICT EDUCATION OFFICER, BAKABHAVAN ROAD, ALAPPUZHA.

3. REV.R.VIJAYAKUMAR, MANAGER, LUTHERAN HIGH SCHOOL, SOUTH ARYAD, AVALUKUNNU P.O., ALAPPUZHA DISTRICT.

4. HEADMASTER, LUTHERAN HIGH SCHOOL, SOUTH ARYAD, AVALUKUNNU P.O., ALAPPUZHA DISTRICT.

5. HONEY C.R., THULASI VILLA, MUHAMMA P.O

6. AJITHAKUMARI.A. VIJAYA BHAVAN, VALIARATHALA, OORUTTAMBALAM.P.O. THIRUVANANTHAPURAM.

7. C.L.IRINE, LPSA, LMLPS, ANTHIYOOR.

8. L.M.SHERLY RAJ, LPSA, LMLPS, ANTHIYOOR.

BY GOVT.PLEADER SRI.T.T.MUHAMOOD.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 21/6/2007, THE COURT ON 30/07/2007 DELIVERED THE FOLLOWING:

A.K. Basheer, J.

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W.P(C) No. 17876 of 2007

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Dated this the day of 30th July, 2007.

J U D G M E N T

The grievance of the petitioners is that their appointments are not being approved and they are not being paid salary though they were appointed by the manager of the school against regular vacancies in June 2005 and June 2006. Petitioners have a further grievance that Sri.Vijayakumar, the present manager has terminated their services illegally and relieved them from duties. In their places respondents 5 to 8 have been appointed. Petitioners have challenged Exts.P13 to P16 orders of termination and Ext.P17 order of appointment of respondents 5 to 8. It is brought to my notice that petitioners have preferred Exts.P18 to P21 representations before respondent No.2, District Educational Officer, Alappuzha for appropriate action against the manager.

2. I do not propose to deal with the contentions raised by the petitioners in this case elaborately, since today I have disposed of WP.No.4513/2007 relating to the dispute in the management. In my view this writ petition can be disposed of with appropriate directions to the authority concerned to take a decision in the matter, in the light of the judgment referred to above.

3. Writ petition is disposed of with a direction to respondent No.2 to consider and pass orders on Exts.P18 to P21 strictly on their merit and in accordance with law and also keeping in view the judgment rendered by this Court in WP.4513/07 and also the judicial precedents in Manager, St.Mary's H.S. v. Beji Abraham (2002 (1)

KLT 406), Padmanabhan Nambiar v. Government of Kerala (1997 (2) KLT 725) etc. Needless to mention, petitioner and the Manager shall be afforded sufficient opportunity to be heard before any orders are passed..

Petitioner shall produce a certified copy of the judgment along with a copy of the writ petition before respondent No.2 for compliance.

A.K. Basheer
Judge.

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